



# Development of Fishery Management Plans (FMPs)

# Learning Objectives

- Explain how the Councils and NOAA Fisheries cooperate to support staff work and analysis
- Describe how the Councils and NOAA Fisheries plan and prioritize to complete actions
- Identify other useful planning and process tools

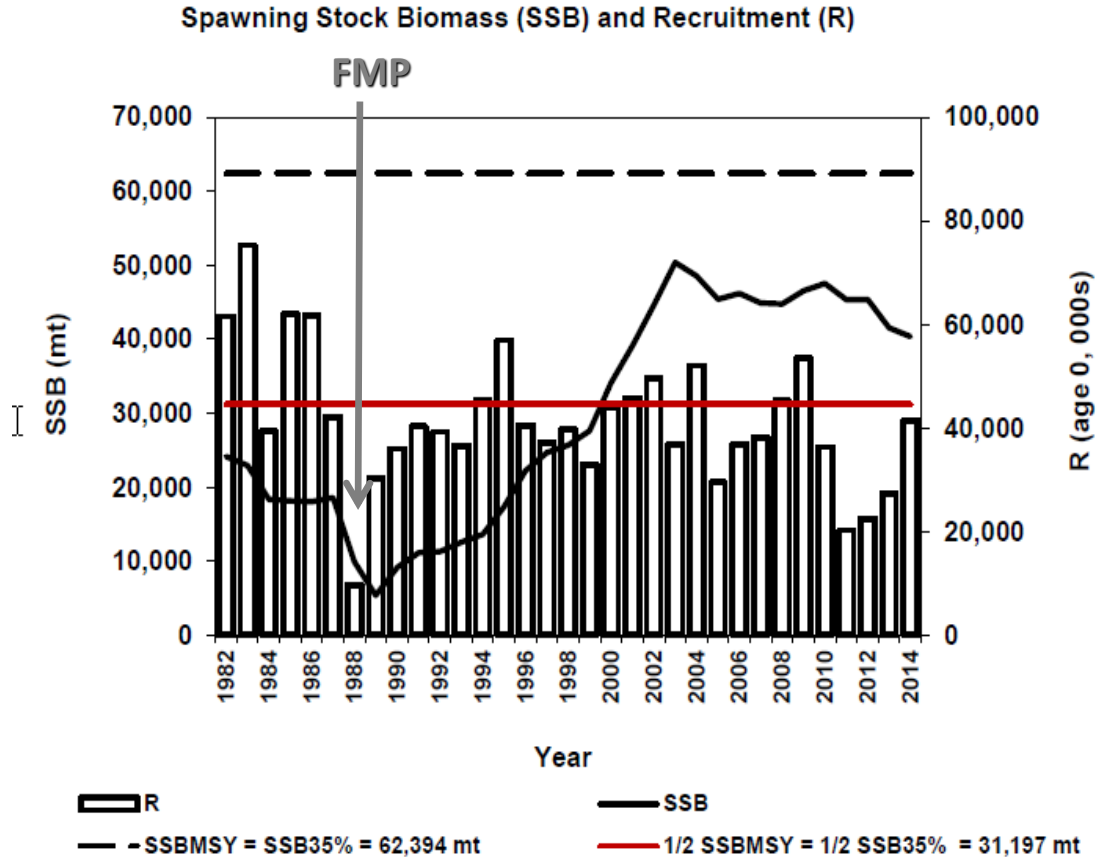


## Magnuson-Stevens Fishery Conservation and Management Act



U.S. DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
National Marine Fisheries Service

# Why Develop an FMP?

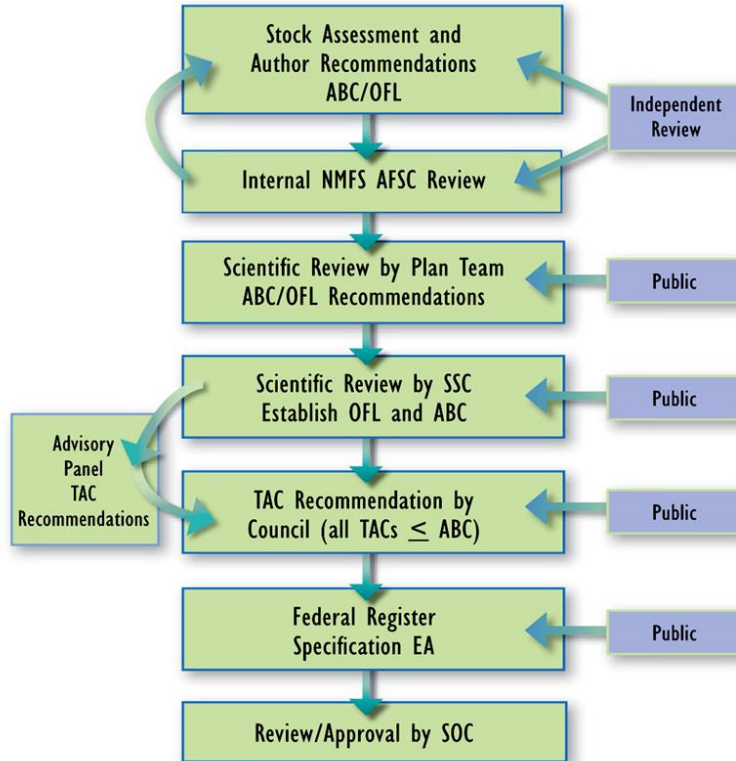


## FMP-based Council Products

- FMP and Amendments to the FMP - new or novel measures proposed for a fishery
- Frameworks to the FMP - already contemplated in the FMP (not novel); tweak to existing measures.
- Specifications (aka "specs.") - sets/adjusts existing fishing measures for the upcoming fishing year(s)

# Specifications

## Scientific Review Process for North Pacific Stock Assessments and Catch Specifications



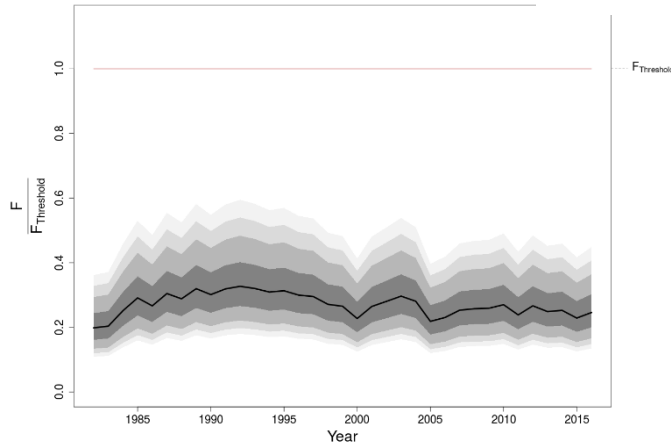
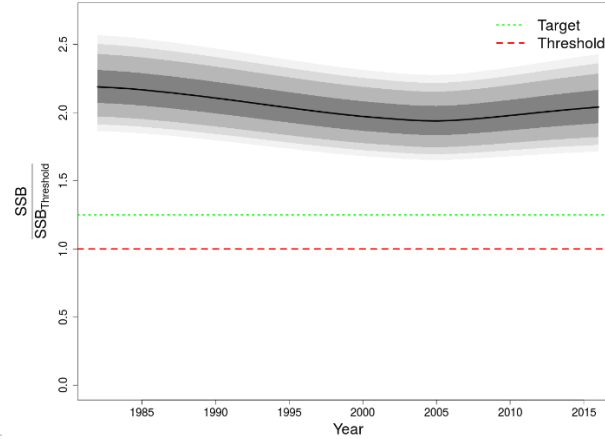
# Provisions in FMPs | Required

1. Prevent overfishing; rebuild; protect, restore, promote long-term health and stability.
2. Description of the fishery.
3. Specify maximum sustainable yield (MSY) and optimum yield (OY).
4. Specify capacity to harvest and process OY.
5. Specify the data to be submitted to the Secretary.
6. Temporary adjustments to address unsafe ocean conditions.
7. Essential Fish Habitat: identify; minimize impacts from fishing.
8. Specify scientific data needed to implement plan.
9. Fishery impact statement.
10. Objective and measurable criteria.
11. Bycatch: Standardized reporting methodology & measures to minimize.
12. Assess number, types, & mortality of fish caught and released recreationally; minimize mortality.
13. Describe sectors (commercial, recreational, & charter); quantify landings trends by sector.
14. Allocate restrictions/benefits fairly & equitably.
15. Establish a mechanism for setting ACLs & AMs

# Provisions in FMPs | Required

(1) Prevent overfishing;  
rebuild; protect, restore,  
promote long-term health  
and stability.

(10) Overfishing Definitions



- Tied to ending overfishing
- FMPS must have measurable criteria
- [See NS1 Guidelines](#)

## (7) Essential Fish Habitat

- Identify and describe
- Minimize adverse impacts
- Fishing and non-fishing impacts
- EFH Consultations



<http://www.chesapeakebay.net/>



## Provisions in FMPs | Required

(11) Reporting methodology and measures to minimize

Bycatch is “fish which are harvested in a fishery, but which are not sold or kept for personal use, and includes economic and regulatory discards,” but not marine mammals, seabirds, or fish released alive under a recreational catch-and-release fishery management program”



Case law: Required components must be explicitly written into the FMP.

# Provisions in FMPs | Discretionary

1. Require permits and fees.
2. Designate zones and times where fishing restrictions apply.
3. Establish restrictions on catch, sale, and transshipment.
4. Include gear requirements.
5. Incorporate state measures.
6. Establish a limited access system.
7. Require processors to submit data.
8. Require observer coverage.
9. Assess and specify the effect of the FMP on anadromous fish.
10. Include harvest incentives for reduced bycatch.
11. Reserve a portion of the allowable biological catch for use in research.
12. Conserve target and non-target species habitat.
13. Prescribe other measures, requirements, or conditions and restrictions necessary and appropriate for the conservation and management of the fishery

Again, MSA and  
National Standards  
Guidelines, are online  
and searchable

[http://www.nmfs.noaa.gov/sfa/  
laws\\_policies/msa/](http://www.nmfs.noaa.gov/sfa/laws_policies/msa/)

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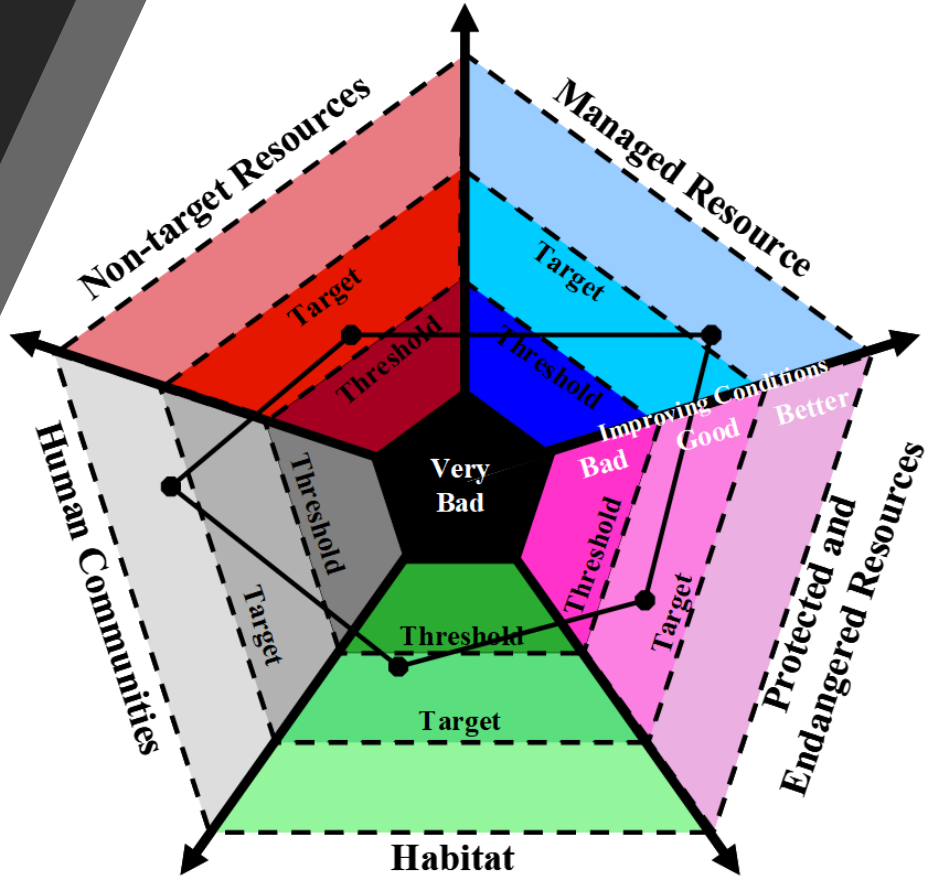


# Broad Steps to Develop Action

- Identify Issue(s) and type of action
- Develop Options for Solutions
- Analyze them/Get Public Input
- Council considers and recommends action
- Submitted to NMFS to implement and enforce

# Environmental Impacts Decision Document evaluate tradeoffs in Valued Ecosystem Components:

- Inform Council
- NOAA Fisheries Regional Administrator
- Public



# Level of Document Analysis

- Categorical Exclusion (CE) - administrative types of actions; no environmental impacts
- Environmental Assessment - impacts to VECS expected/analyzed, but not significant
- Environmental Impacts Statement - significant impacts expected/analyzed

## And there are Other Applicable Laws (OALs)

ESA	“No jeopardy” record-based determination Timing: consultation = 135 days
RFA	Consider Economic Impacts and alternatives Certification: record-based determination
EO 12866	Alternatives, Cost-benefit analysis
APA	Record shows compliance with all law; Notice and Comment; 30-day delay
Others	CZMA, MMPA, PRA, treaty rights, etc.





- Biological data
- Fishery dependent data
- Economic
- Social

**Collect Data to  
Support Analysis**

# Amendment Development Process

- Categorical Exclusion (CE) - administrative types of actions; no environmental impacts
- Environmental Assessment - impacts to VECS expected/analyzed, but not significant
- Environmental Impacts Statement - significant impacts expected/analyzed



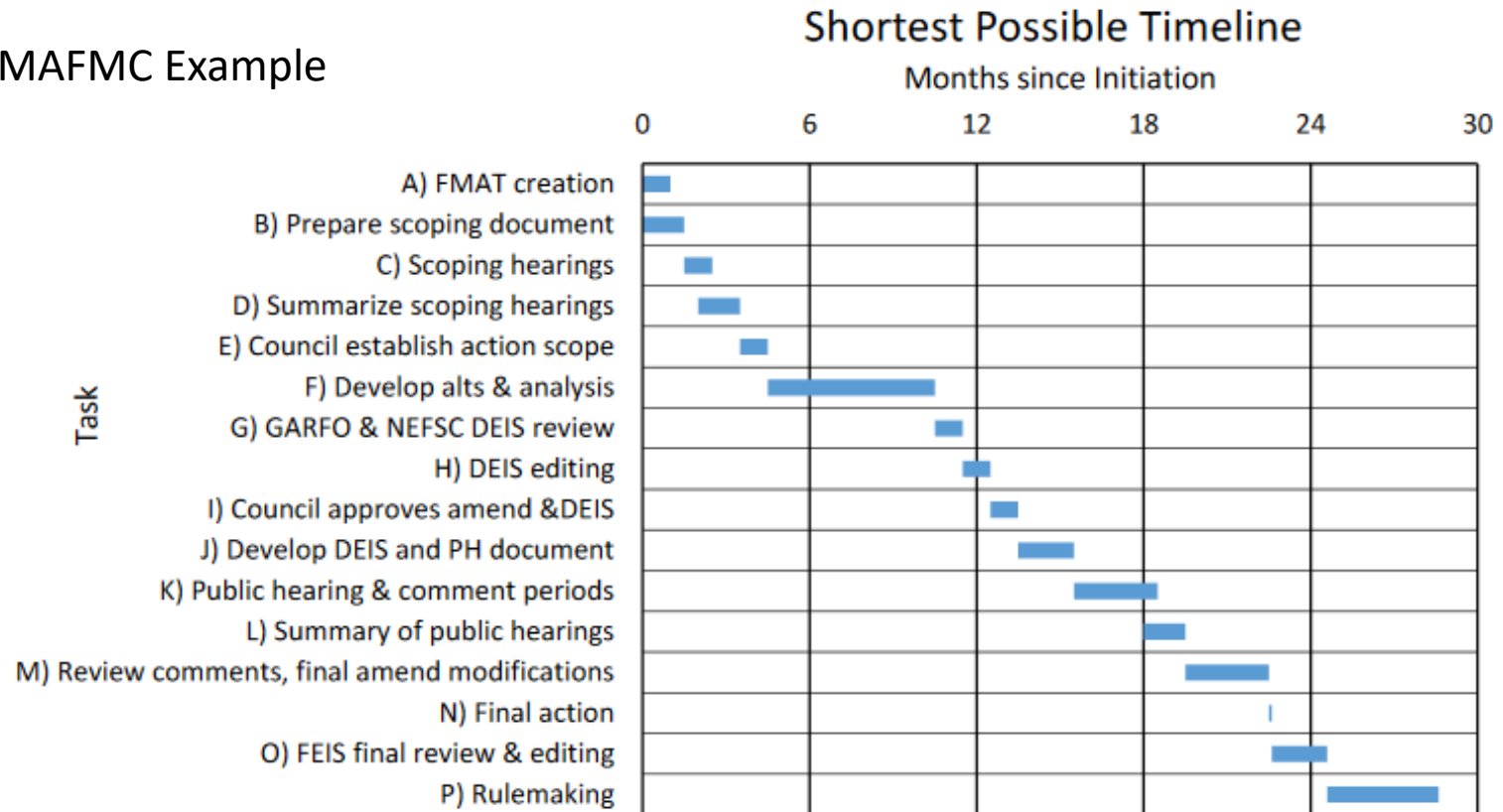
## Example | Amendment Development

# Amendment Development Process

- Secretarial Review of FMPs subject to strict timelines
- 95 days for FMPs and Amendments
- 3 outcomes: approve, disapprove, partially approve
- Criteria for approval: Consistency with the law, National Standards, FMP Components, OALs

# Example | Amendment Development

## MAFMC Example

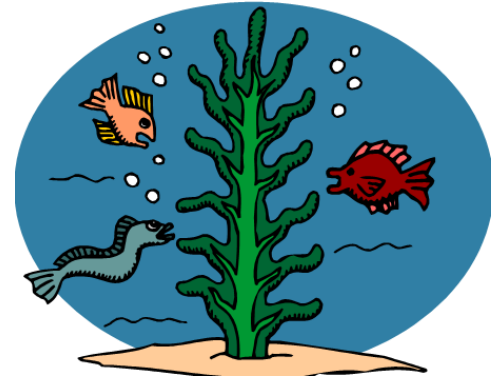


# Amendment Development Process

- Why so many steps?
- Creates an administrative record and record of decision
- If sued, federal agency decisions for new or revised rules, are generally reviewed using only the information contained in the administrative record as assembled by the decision making agency

## Other Useful Process Tools

- Statement of Organization Practices and Procedures (SOPPs)
- Regional Operating Agreements
- Overall Operational Guidelines
- Regional Planning and Council Strategic Planning Tools



More details: <http://www.fisheriesforum.org/our-work/forums/2018-forum/2018-forum-materials/>

## Other Useful Process Tools | SOPPS

- Describes each Council's operations in detail
- All Council's have them; posted online





## Other Useful Process Tools | ROAs

- Regional Operating Agreements
- Describes mutual agreement and working relationships
- Example: MAFMC
  - MAFMC
  - NMFS's Regional Office
  - NMFS's Fisheries Science Center
  - NMFS's Office of Law Enforcement
  - NOAA's Office of General Counsel

## Other Useful Process Tools | ROAs

- Describes interactions of FMATs/PDTs/IPTs in support of FMP/MSA actions; other logistics
- Action planning process
- Included as part of overall NMFS operational guidelines

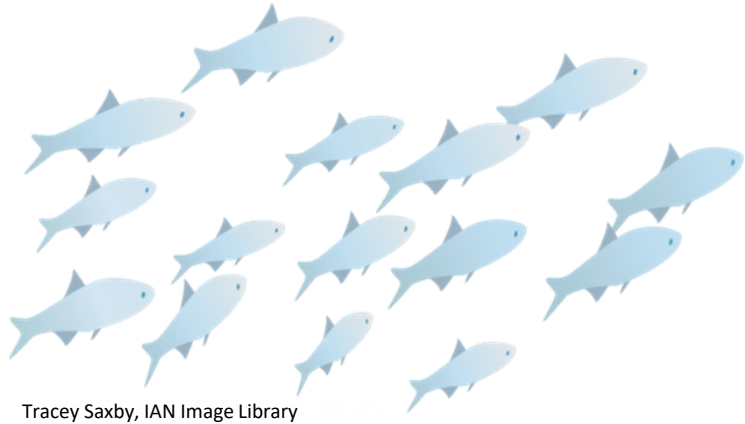
[http://www.nmfs.noaa.gov/sfa/laws\\_policies/operational\\_guidelines/index.html](http://www.nmfs.noaa.gov/sfa/laws_policies/operational_guidelines/index.html)

## Other Useful Process Tools | Strategic Plans

- Mid-Atlantic did visioning project to develop 2014-2018 Strategic Plan
  - Annual implementation plans
- South Atlantic worked on visioning and strategic planning:
  - 2016-2020 Vision Blueprint for the Snapper Grouper Fishery.



## Other Useful Process Tools | Regional Planning



- Northeast has process – Northeast Regional Coordinating Council (NRCC)
- Other Regions have other entities
- Stock assessment scheduling, resource capacity, research priorities, other coordination issues and topics



# Questions?

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